

HOUSE BILL 2185
By Mumpower

AN ACT to create and establish the elective office of solicitor general and to amend Tennessee Code Annotated, Title 8, Chapter 6; Title 38, Chapter 5 and Title 38, Chapter 6.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Effective January 15, 2006, there is created within the executive branch the office of solicitor general of Tennessee. The solicitor general shall be elected by the qualified voters of the state at each November general election in which a governor is quadrennially elected. Candidates for the office of solicitor general may be qualified as political party candidates or as independent candidates. The solicitor general's term of office shall commence on the fifteenth day of January immediately following such November general election and shall continue for a term of four (4) years. A person may not serve more than two (2) successive four (4) year terms as solicitor general. The solicitor general shall devote full time to the duties of office and may not engage in the private practice of law.

The solicitor general shall be learned in the law; shall be licensed to practice law in all the courts of the state of Tennessee; shall, at the time of assuming the duties of office, be at least thirty-five (35) years of age; and shall, before his or her election, have been a resident of the state for at least five (5) years.

If a vacancy arises in the office of solicitor general, then the governor shall appoint a qualified successor to the office who shall serve until the next November general election, occurring at least one hundred twenty (120) days after the vacancy arises, when a successor shall be elected and shall assume the duties of office upon being certified as having been elected. If such successor is elected at a November general election at which a solicitor general would not normally be elected, then he or she shall serve only for the remainder of the

unexpired term; but if elected at a November general election at which a solicitor general would otherwise have been elected, then he or she shall serve a full four-year term.

SECTION 2.

(a) Effective January 15, 2006, the solicitor general shall be executive head of the legal department of the state. The legal department shall consist of the solicitor general and his or her assistants and employees. The solicitor general shall maintain offices in Nashville in space which shall be provided by the department of finance and administration.

(b) Effective January 15, 2006, the attorney general and reporter is relieved of all statutory duties, rights, privileges, responsibilities and restrictions imposed by Tennessee Code Annotated, Title 8, Chapter 6, except for § 8-6-109(b)(7), and §§ 8-6-201 through 8-6-207, and is relieved of such other duties, rights, privileges, responsibilities and restrictions as may be imposed upon the attorney general and reporter by other provisions of law.

(c) The attorney general and reporter shall continue to be responsible for reporting the opinions of the supreme court of Tennessee as provided by § 8-6-109(b)(7) and §§ 8-6-201 through 8-6-207.

(d) Effective January 15, 2006, the solicitor general of the state of Tennessee shall assume all duties, rights, privileges, responsibilities and restrictions of which the attorney general and reporter is relieved pursuant to subsection (b).

SECTION 3. Tennessee Code Annotated, Section 8-6-103, is amended by adding the following new paragraph:

All assistants and employees assigned to or employed in the office of the attorney general and reporter on January 15, 2006, shall be transferred to the office of the solicitor general and be under jurisdiction, supervision and administrative control of

the solicitor general, except those assistants and employees who are occupied in the performance of the duties set forth in § 8-6-109(b)(7) and §§ 8-6-201 through 8-6-207.

Prior to January 15, 2006, the justices of the supreme court shall verify the number of assistants employees necessary to perform the duties set forth in § 8-6-109(b)(7) and §§ 8-6-201 through 8-6-207.

SECTION 4. Effective January 15, 2006, Tennessee Code Annotated is amended by deleting the words "attorney general" or "attorney general and reporter" wherever the same appear, with the exceptions noted in Section 2(c), and by substituting instead the words "solicitor general".

The Tennessee code commission is directed to replace references to the "attorney general" or "attorney general and reporter" only in the regular course of updating the Tennessee Code in regular supplemental volumes, and the commission shall not formulate supplements which merely insert the words "solicitor general": it being the intent of the general assembly that wherever the words "attorney general" or "attorney general and reporter" appear, with the exceptions noted in Section 2(c), such words shall be construed to refer to the "solicitor general of the state".

SECTION 5. The solicitor general shall receive the same salary as an associate justice of the supreme court, payable in equal monthly installments out of the treasury of the state by warrant of the commissioner of finance and administration upon the treasurer. The solicitor general shall employ, and within budgetary limitations, fix the salaries of his or her assistants and other employees. The solicitor general and his or her assistants and employees shall be reimbursed for official travel expenses in accordance with the official executive policies governing travel at state expense.

SECTION 6. The person holding the office of attorney general and reporter on January 15, 2006, shall also assume the duties of solicitor general as set forth in this act and shall perform such duties until January 15, 2007.

SECTION 7. The provisions of this act are hereby declared to be severable, and if any of its sections, provisions, clauses or parts be held unconstitutional or void, then the remainder of this act shall continue in full force and effect, it being the legislative intent now hereby declared, that this act would have been adopted even if such unconstitutional or void matter had not been included therein.

SECTION 8. This act shall take effect July 1, 2005, the public welfare requiring it.